

## [Interview with Elfego Baca]

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Smith; I INTERVIEW WITH ELFEGO BACA

When I went to see Elfego Baca the other day, he told me he had announced himself as candidate for district judge.

"In the old days, that was a pretty tough job," he said. "Ninety per cent of the cases tried were either for murder or assault with the intent to kill or cattle stealing. There was a statute prohibiting any man from carrying a deadly weapon, but it didn't mean much. Any judge knew that the brother or the cousin of a sentenced man might take a shot at him when the court was over. Judge Leland, he took me along for a body guard when he first came out here from Toledo, Ohio."

It was July 1, 1898 when Charles A. Leland was appointed judge of the district which included Socorro, Eddie, Chavez and Lincoln counties. About a week after his arrival at

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Socorro, it became Judge Leland's unpleasant duty to go to Roswell to hold a term of the district court.

Judge Leland had heard stories of such men as Joe Fowler, who was reputed to have shot 13 men, and everyone of them in the back, and Henry Coleman who at one time had done a fine business in Socorro county by annexing his neighbor's cattle and shooting any who protested. Though Fowler was hung by an outraged mob, no jury ever found Coleman guilty of an unlawful act, and another ambitious young lawyer from Gallup, Arthur T. Hannett by name, had been unable to find an officer of the law who would serve a writ on Coleman.

"I fixed him though", said Elfego, "when I was Sheriff of Socorro County. I wrote a form letter to all the men who were wanted for arrest. I told them to come into my office and give themselves up, or I would come 2 after them. They knew what that meant. You bet they didn't want me to come after them." Though Mr. Baca is an old man now, his long slanty eyes still narrow into an "or else" expression when he is speaking of such matters — "Even Coleman, he came in and surrendered, but the jury wouldn't convict him. He was a pretty tough man and I guess they were afraid . He got his , though , in a saloon."

Judge Leland who had heard of the effect of even the name of Elfego Baca in dealing with such men, asked Mr. Baca, then a prominent attorney in Socorro, to accompany him to Roswell. He was allowed seven dollars a day for an interpreter. He offered Mr. Baca ten dollars a day from the day he left Socorro till the day he returned to go with him in this capacity. Mr. Baca was not particularly interested in such a trip but he thought it politic to agree to the judge's proposal.

When they reached Roswell Judge Leland engaged one large room with two beds in the hotel. He took Elfego to breakfast, dinner, and supper with him. During the first week he would hardly go to the corner store for a cigar or a newspaper without his interpreter. He intended that the [sixshooters?] should identify Elfego Baca as his body guard. ?

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The first time that Elfego was able to get away by himself to a bar, two prosperous looking Anglos, whom he had seen frequently at court, asked him to drink with them.

"Tell him about it," one of them said after the third whiskey, "Maybe he can help us."

One of their sheep-herders; an Old Mexico Mexican, had been mixed up in a shooting scrap with scrape/with another Mexican. The Justice of the Peace placed him under a bond of \$2,000, which the tow two Texan sheep men had stood good for. The Mexican was to appear at this term of court but they had not seen him for over three weeks.

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"Two thousand bucks shot to Hell," one of them said to Baca. "The next time I go bail for another dirty bastard!"

Elfego though thought awhile and asked the gentlemen if it would be worth \$500 to them to have him settle the case for them.

The gentlemen from Texas said it would. When Elfego stipulated that the payment must be in advance and in cash they told him to come around to their hotel room that evening.

The next day Elfego set about earning his \$500. He told Judge Leland the story. He took advantage of the law that money for fines as a penalty for carrying deadly weapons or for assault with deadly weapons should go to the school district where the violation of the law was committed, and told the Judge the school was about to close its doors for lack of funds. He asked him to impose a fine of \$50 on the guilty Mexican. He neglected to add that the Mexican in question was missing.

The Judge replied that the matter must be taken up with the District Attorney. The District Attorney was new in office and easy to talk to. It was agreed that the defendant was to appear before court at 3 o'clock the next afternoon, when the Judge would impose the minimum fine of \$50. Mr. Baca was to act as interpreter.

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The next morning Elfego scoured the town. Mexicans from Old Mexico were rare in those days. Elfego searched the streets and inquired in the saloons. Finally he found one chopping wood.

Elfego asked the Mexican if he would like a job.

"Me have one job," said the Mexican pointing to the pile of wood.

Elfego explained that this would be a good job, an easy job, over in a few minutes, and it would pay \$25.

The Mexican looked incredulous, but he smiled and promised to meet Mr. Baca in front of the Court House at a quarter of three.

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Mr. Baca gave him simple instructions: "The Judge will aske ask me to read this paper which we call an indictment. After I read it he will ask you 'guilty or not guilty'. You are to say 'guilty'. That's absolutely all you have to do to get that \$25. Just say 'guilty' and not another word."

The Mexican understood. He smiled and bowed his head. At a quarter to three they met in front of the court house and Elfego slipped him the \$50 to be paid to the clerk after the sentence.

The Mexican carried out his instructions perfectly and with evident enjoyment.

"Guilty," he smilingly replied to the Judge's question.

"Gracias," he answered when the Judge pronounced the \$50 fine.

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The Judge was annoyed at this debonair reception of his sentence. "I am going to make you Mexicans obey the law in this country," he said sternly, "and the next time I find you in my court I am going to send you to the Penitentiary. Do you understand?"

Mr. Baca translated: "The Judge says that any time you Mexicans are not treated properly by the people in Roswell, you have only to let him know."

The Mexican smiled. "Gracias," he said again.

"Tell that Mexican," roared the Judge, "Tell him that he has nothing to thank me for. Tell him that I don't like his looks. He looks to me like an outlaw and an imposter. I should presume from his appearance that he has escaped from some other country where he has no doubt committed some crime. Tell him that he would do well to stay out of my court hereafter."

Mr. Baca interpreted: "The Judge says that he is very much impressed with your appearance. He also likes your court room manner. He sends his complements to your mother."

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Gracias," replied the irrepressible Mexican.

Impatiently the Judge dismissed court. The Mexican paid his fine to the clerk. Elfego Baca walked erectly down the aisle, the Mexican following close behind, his mind on the \$25 he was to be paid.

Directly in front of the Court House stood the two Anglos from Texas, talking in low tones. They called to Elfego and made him walk with them out of hearing of the passers-by.

"This is not the Mexican for whom we signed the \$2,000 bond," one of them whispered in his ear. "You made a mistake, it was——"

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“What the Hell?” said Elfego. “What the Hell do you care? The case is settled, isn't it?” He turned to the smiling Mexican and paid him his \$25.